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11 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 IN THE MATTER OF THE SEIZURE OF
\$43,100.21 IN BANK FUNDS SEIZED
16 FROM BANK OF AMERICAN ACCOUNT
'9342 AND \$154,040.78 IN BANK
17 FUNDS SEIZED FROM BANK OF AMERICA
ACCOUNT '0071

CR MISC NO. **CM 18-1803**

STIPULATION TO EXTEND THE DEADLINE
TO FILE CIVIL FORFEITURE COMPLAINT

[PROPOSED ORDER LODGED
CONTEMPORANEOUSLY HEREWITH]

21 It is hereby stipulated by and between the United States of
22 America (the "government") and claimants Daniel Hyer and Melissa
23 Deeann Roy Hyer ("claimants"), through their counsel, K.C. Maxwell,
24 regarding \$43,100.21 in Bank Funds Seized from Bank of American
25 Account '9342 and \$154,040.78 in Bank Funds Seized from Bank of
26 America Account '0071 (the "defendant funds"), as follows:

27 1. Claimants have filed a written claim in administrative
28

ORIGINAL

2018 OCT 10 AM 10:48
CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FILED

1 forfeiture proceedings with the United States Postal Inspection
2 Service ("USPIS") with respect to the defendant funds.

3 2. The government asserts that USPIS has sent the written
4 notice on intent to forfeiture required by 18 U.S.C. § 983(a)(1)(A)
5 to all known interested parties. Under 18 U.S.C. § 983(a)(2)(A)-(E),
6 the time has either expired or been tolled for any person to file a
7 claim to the defendant funds. No person other than the claimants
8 have filed a claim to the defendant funds as required by law in the
9 administrative forfeiture proceeding.

10 3. Under 18 U.S.C. § 983(a)(3)(A), the United States is
11 required to file a complaint for forfeiture against the seized funds
12 and/or to obtain an indictment alleging that the seized funds are
13 subject to forfeiture within 90 days after a claim has been filed in
14 the administrative forfeiture proceedings, which in this case is
15 October 9, 2018, but the statute provides for an extension of this
16 date by court order or upon agreement of the parties.

17 4. Presently, the deadline for the United States to file a
18 civil forfeiture complaint is set to expire October 9, 2018.
19 However, claimants do not desire that the government initiate a civil
20 forfeiture action against the defendant funds at this time, because
21 the parties desire additional time to discuss resolution of the
22 matter.

23 5. On March 28, 2018, and on July 25, 2018, in the District of
24 Arizona, the government filed an indictment and a first superseding
25 indictment, respectively, seeking criminal forfeiture of these same
26 defendant assets, with a trial date presently set for January 15,
27 2020.

1 6. On October 9, 2018, at approximately 3:55 p.m., in order to
2 provide the parties an opportunity to settle the matter, as provided
3 by 18 U.S.C. § 983(a)(3)(A), claimants' counsel contacted government
4 counsel to agree to seek to extend the time in which the United
5 States is required to file a civil complaint for forfeiture against
6 the seized currency. Unfortunately, by the time claimants' counsel
7 was able to contact government counsel, the clerk's office had closed
8 for the day.

9 7. However, the parties agree that the deadline by which the
10 United States shall be required to file a complaint for forfeiture
11 against the seized currency and/or to obtain an indictment alleging
12 that the assets are subject to forfeiture shall be extended to
13 January 22, 2020 (that is, one week after the presently scheduled
14 trial date for the related criminal proceeding).

15 8. Claimants knowingly, intelligently, and voluntarily gives
16 up any right they may have under 18 U.S.C. § 983(a)(3)(A)-(C) to
17 require the United States to file a complaint for forfeiture against
18 the defendant funds by October 9, 2018, and any right they may have
19 to seek dismissal of any complaint on the ground that it was not
20 filed on or before such date.

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1 NOW, THEREFORE, the parties hereto, by and through their
2 respective attorneys, hereby STIPULATE AND REQUEST that the
3 government's time to file a civil forfeiture complaint in connection
4 with the seizure of the defendant currency be extended to and
5 including January 22, 2020.

6 **SO STIPULATED**

7 Dated: October 9, 2018

Respectfully submitted,

8 NICOLA T. HANNA
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9 LAWRENCE S. MIDDLETON
Assistant United States Attorney
10 Chief, Criminal Division
STEVEN R. WELK
11 Assistant United States Attorney
Chief, Asset Forfeiture Section
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13 /s/John J. Kucera
JOHN J. KUCERA
14 Assistant United States Attorney

15 Attorneys for Plaintiff
UNITED STATES OF AMERICA
16

17 Dated: October 9, 2018

18 /s/(per e-mail confirmation)
KC MAXWELL

19 Attorney for Claimants
20 DANIEL HYER
21 MELISSA DEEANN ROY HYER
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PROOF OF SERVICE BY MAILING

I am over the age of 18 and not a party to the within action. I am employed by the Office of the United States Attorney, Central District of California. My business address is 312 North Spring Street, 14th Floor, Los Angeles, CA 90012.

On October 1, 2018, I served a copy of: **STIPULATION AND REQUEST TO FURTHER EXTEND THE DEADLINE TO FILE CIVIL FORFEITURE COMPLANT** upon each person or entity named below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary office practices.

TO: K.C. MAXWELL

235 MONTGOMERY ST. #1070

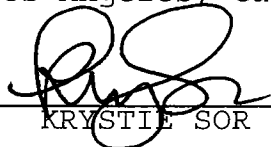
SAN FRANCISCO, CA 94104

X I am readily familiar with the practice of this office for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on: October 1, 2018 at Los Angeles, California.



KRYSTLE SOR